

Andover Conservation Commission Meeting Minutes

May 3, 2012

Town of Andover
36 Bartlett Street
3rd Floor Conference Room A
7:45 p.m.

Conservation Commission Members in Attendance:

Chairman Cooper, Commissioner Driscoll (remote participation), Commissioner Fink, Commissioner Greenwood, Commissioner Honea, Commissioner Porter and Commissioner Walsh, Director Robert Douglas and Agent Cleary were also present.

24 Wethersfield Drive

Staff Recommendation: Approvable as a Negative 3 with conditions (#3, #4, #5 & #7) and Negative 6 (not subject to By-Law)

Public Meeting on the Request for Determination of Applicability filed by the John Champion to determine if construction of a replacement septic system and associated site work within 100 ft. resource area is subject to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV. DA2012-011

Agent Cleary presented to the Commission. Project filing is complete and ready for a decision this evening under the WPA only. The house was built in 1976. The system requires a local upgrade from the BOH for E.S.W.T. from 4 ft. to 3 ft. to allow for gravity feed and to avoid any additional grading with a pump (conditioned). The site is not within the Skug Riverfront Area (MAHW is 400 feet away). There is beautiful wooded vegetated buffer between BVW/pond and existing edge of driveway which is conditioned to remain as such. Additionally the BVW was noted in the rear yard which has been noted in the conditions. Recommend extending erosion control to loop around the top of the driveway to afford greater protection to BVW on site and rear of lot (conditioned).

Commissioner Walsh made a motion to approve as a Negative 3 with Conditions #3, #4, #5 and #7 and Negative 6 (not subject to By-Law); it was seconded by Commissioner Honea and it was unanimously approved.

196-R Andover St.

26 Oriole Drive

15 Heather Drive

Present in Interest: Jonathan & Chenkuo Yeh, Dave Dowd, Michael Davkison
Staff Recommendation: Special conditions to include policing of sawdust.

Public Meeting on the Request for Determination of Applicability filed by the Andover Village Improvement Society to determine if proposed to improvements to the existing trail conditions and erosion control including adding a boardwalk and bog bridge is subject to the Massachusetts

Wetlands Protection Act, M.G.L. Chapter 131, § 40 and/or the Andover Wetlands Protection By-law, Article XIV. DA2012-012

Director Douglas presented an overview to the Commission. Mr. David Doub a trustee from Avis had a determination to do work to these trails. After three years a new Determination was required to be filed. Mr. Doub presented that he was submitting a new filing to for additional changes to the trails, repair existing boardwalks, improve signage, field mowing program and drainage swale. These improvements will help to minimize erosion controls. This work is very similar to our own maintenance. Commissioner Fink asked if the mowing will be done in late fall when all the birds are done nesting? Mr. Doub stated this will be done in the month of August. Commissioner Fink noted that at Baker's meadow that you are proposing a new trail. Mr. Doub stated the ravine is the designated wetlands and the trails leads to an open field. The trail is a good idea since the HS Cross Country Team used this trail. The ravine is very narrow and steep and does not touch any other vegetative basin. It only touches the upland side and is a man made drainage mechanism. The wetland impact is only about a 20 ft x 4ft wide boardwalk in the wetland area including a tree. The Stepping Stones is a broad low section in boardwalk junction has a wetland that spreads out. The other side has upland woodland type. It is more of a buffer project. The project would like to have a trail in the upland section. Commissioner Fink has concern over the Heather Drive area. Mr. Doub wants to have the trail on the upland side of that land. Commissioner Porter would like to see the Heather Drive portion of the project flagged out. Chairman Cooper and the Commission realize that the trails allows for people to enjoy them with a minimal impact. Director Douglas recommendation would be to continue this type of work. Commission will require a condition to be added for the applicant to submit further information to the Commission before any work can commence at the Heather Drive Area.

Commissioner Walsh made a Motion to approve projects subject to Conditions discussed; it was seconded by Commissioner Walsh. Commissioner Greenwood and Commissioner Driscoll recused themselves. The motion passed.

43 Farrwood Drive

Present in Interest: Chris Legare

Staff Recommendation: Approvable as a Pos. 2b (not confirming boundary of resource area), Neg. 3 with conditions (Noting Conditions #3., #4., & #5.) and Neg. 6 not subject to the By-Law.

Continued Public Meeting on the Request for Determination of Applicability filed by Chris Legare to determine if the accuracy of the boundary of resource areas and if the proposed construction of a replacement septic system and associated site work is subject to the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40. and/or the Andover Wetlands Protection By-law, Article XIV. DA2012-009

Agent Cleary presented to the Commission. This Continued Public Hearing was continued from a meeting of April 17, 2012 to revise plan to indicate removal of shed and fence and filling of existing pool. The trees to be removed were to be marked with caution tape. The applicant was to confirm with building that the pool could be filled and there would be no changes in grading or to specify changes in grading. The trees to be removed were to be noted on plan as well as non-disturb bounds. The above requirements from the Commission have been

completed by the applicant. Project filing is complete under the WPA only (house built in 1971) and ready for a decision this evening. It will require a local upgrade from the BOH for E.S.W.T. from 5 ft. to 4 ft. due to perk rate not ruling on wetland boundary. The skunk cabbage is slightly above some portions of the line in certain areas. These areas do not affect the required 50 offset from BVW for the septic system. The Commission will need to rule on the trees to be removed and the site is a substantially forested/vegetated area. The pool does not contain any hazardous material and there will be no changes to grade (conditioned). The placement of bounds have been marked by hand on the approved plan affording an even great buffer in the pool area of close to 40 feet as mitigation for removal of trees.

Commissioner Porter made a motion to approve as a Pos, 2b (not confirming boundary resource area), Negative 3 with Conditions: #3, #4 #5 and Negative 6 is not subject to By-Law; it was seconded by Commissioner Greenwood and unanimously approved.

70 Shawsheen Road (West Middle School)

Present in Interest: Andrew Chagnon & Thomas Perry – Pare Corporation

Staff Recommendation: Closing with Order of Conditions

Continued Public Hearing on a Notice of Intent filed by Town of Andover Plant and Facilities Dept. under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, for the proposed project consisting of improvements to current school site, including site lighting, parking, sidewalks, curbing, and stormwater management improvements. DEP File #090-1153

Director Douglas presented to the Commission that this was continued from meeting of March 20, 2012, for purposes of a peer review, details of rain garden, review of wetland area and status of stream, snow storage areas, playing fields which hold flood storage, etc. Engineer Andrew Chagnon, P.E. from Pare Corporation presented to the Commission about the extensive review of this project. A letter dated 4/25/12 was discussed about ESS's peer review by Janet Bernardo, P.E. Chairman Cooper asked for all material upon granting approval for this project will be forwarded to the Commission prior to issuance of the Order of Conditions on May 15, 2012. The comments should be submitted by May 10, 2012. The project will be placed on the May 15, 2012 agenda as an action item.

Commissioner Greenwood made a Motion to Close the Public Hearing; it was seconded by Commissioner Walsh. Commissioner Greenwood made a second Motion to approve to issue Order of Conditions; it was seconded by Commissioner Walsh.

Voting

Chairman Cooper, Commissioner Walsh, Commissioner Greenwood and Commissioner Honea in favor. Commissioner Porter, Commissioner Fink and Commissioner Driscoll opposed. The motion passed.

239 – 256 High Plain Rd.

Present in Interest: Ben Osgood – Pennoni Associates

Public Hearing on a Notice of Intent filed by Town of Andover DPW under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, consisting of improvements to rebuild and raise 600 feet of road and replace existing stone culvert with new precast concrete box culvert.

The Public Hearing was not opened this evening. The application was incomplete since the abutters were notified of the incorrect hearing date. The applicant requested to be placed on May 15, 2012 agenda to notify abutters of the correct date.

3 Barbara Lane

Present in Interest: Ben Osgood – Pennoni Associates

Staff Recommendation: Close Public Hearing and Issue Approval based on review

Continued Public Hearing on a Notice of Intent filed by Robert Fitzpatrick under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40 for installation of a pipe in an existing drainage easement with associated grading and riprap DEP File #090-1157

Agent Cleary presented the history of the site and proposed work to the Commission. A site visit has been made by many Commissioners and staff. A copy of Easement Agreement has been received as required by the Commission and a Waiver Letter has been submitted for work within the 25 ft. non-disturb zone. Flag A-2 should be moved upgradient 5 feet. Ms. Cleary stated her opinion of the proposed project. Conservation Commission discussed the vegetation and hydrology of the area proposed for filling and pipe. The Conservation Commission was concerned about the impacts to the detention, infiltration and water quality.

Commissioner Greenwood made a Motion to close the Public Hearing and to Deny proposed work it was seconded by Commissioner Honea. Commissioner's Porter, Fink and Honea voted for the motion. Commissioner Driscoll was opposed and Chairman Cooper abstained. The motion passed.

600/800 Federal Street and 165/171 Chandler Road

Present in Interest: Susan Mohn & John Crowe- Crowe Associates, Inc., Diana Walden & Dave Cowell – BSC Group

Public Hearing on a Notice Intent filed by Leggat McCall Properties LLC under the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, § 40, and/or the Andover Wetlands Protection By-law, Article XIV, for a 77,114 sq. ft. building addition and parking expansion work proposed within the 100' buffer zone of bordering vegetated wetland.

Director Douglas presented to the Commission. This is a new filing. The project consists of extended parking and new structures in the buffer zone. The filing meets all our requirements

under the bylaw and WPA. There are no waivers requested. There are two certifiable vernal pools on this site. The area has been looked over by BSC group. The main new building construction is slated for a lawn/paved area and will not affect overwintering habitat for the VP's species. The present project is under review by DEP. The resource areas have been previously locked in by an ORAD. Some of the Commissioners and Staff have done a site visit. Bill Gause is the owner of 600 & 800 Federal Street. Presently discussions are taking place with tenants to occupy these buildings. The project is expanding by an additional 78,000 sq. ft. for Snider Electric. Diana Walden & Dave Cowell from BSG Group did a site walk on March 27, 2012 of this site. During the site visit they did encounter some vernal pools, egg masses and spotted salamanders etc. on site. Mr. Douglas requested a drainage review from the ESS Group. Commissioner Fink suggested a Vernal Pool expert named Leo Kenny. Sue Mohn from John Crowe Associates gave a history of the Woodland Park Development. A 6 page handout for high water calculations was handed out dated May 3rd. Commissioner Porter asked Sue to explain the Watershed Overlay District. Sue Mohn gave a brief history of the site. A site visit was suggested and the site visit will take place on 8:15 a.m. on May 11, 2012 at 800 Federal Street. The Commissioners and Staff interested in attending were the following: Commissioner Porter, Commissioner Greenwood and Director Douglas. The following issues were discussed flagging, peer review of hydraulics, lowest area of parking effect. The hearing was scheduled to a Date Certain on May 15, 2012 to allow for site questions and any concerns.

Commissioner Walsh made a Motion to Continue to Date Certain of May 15, 2012; it was seconded by Commissioner Greenwood and it was unanimously approved.

278R High Plain Road

Present in Interest: Don & Lesley Durant

Consideration for Land Swap Proposal by Donald & Lesley Durant. (It was discovered that the boundary lines were not marked properly rendering the house too close to the rear lot line and the homeowners would like to work with town to correct the setback requirements).

Discussion took place in reference to Land Swap. A suggestion was made to get an appraiser to see if the value of the land swapping is equal in value. A better survey should be done.

Minutes

Approval of minutes from meeting of April 3, 2012, Executive Session April 3, 2012 and April 13, 2012.

The Commission tabled the minutes to allow more time to review the minutes.

65 Harold Parker Road

Mildred Adornato would like to donate her land.

Mr. Douglas will look into the piece of land and actively pursue the next step to determine if this parcel should be acquired by the Town.

221 Highland Road

Discussion and Vote on Disputed Enforcement Order issued on January 25, 2012.

A discussion with the landowner's representative, Attorney Cary Gianoulis occurred in the public meeting. The Land Owner, through this representative, was afforded the opportunity to present information which would indicate the Enforcement Order was inaccurate or not warranted. No information of any type of nature was presented. The Land Owner did not appear, although the Superior Court action challenging the EO was filed pro se.

MBTA

Vote to sign Town of Andover Land Conveyance Request for Parcel Letter (10A Map 159, and Parcel 1 Map 158).

Commissioner Fink voted to approve to sign the Land Conveyance Letter and it was seconded by Commissioner Walsh and unanimously approved.

8 Belle Isle Way

Vote to lift Enforcement Action

Commissioner Porter motioned to approve to lift Enforcement Order and it was seconded by Commissioner Greenwood and unanimously approved.

Keystone Program

Brief Discussions on highlights from the Keystone Program in reference to Land Management. Commissioner Greenwood gave an overview of the information that he learned while attending the Keystone Program in reference to Land Management.

The next meeting will be held at 7:45 p.m. on May 15, 2012.

The meeting was adjourned at 10:47 p.m. by Motion of Commissioner Honea. It was seconded by Commissioner Walsh and unanimously approved.

Respectfully submitted by:

Wendy Adams

Recording Secretary